STATUTORY INSTRUMENTS

2017 No. 936 (C. 81)

ACQUISITION OF LAND, ENGLAND AND WALES

The Neighbourhood Planning Act 2017 (Commencement No. 2) Regulations 2017

Made - - - - 21st September 2017

The Secretary of State, in exercise of the powers conferred by sections 44 and 46 of the Neighbourhood Planning Act 2017(**1**) and section 104 of the Deregulation Act 2015(**2**), makes the following Regulations:

Citation

1. These Regulations may be cited as the Neighbourhood Planning Act 2017 (Commencement No. 2) Regulations 2017.

Interpretation

2. In these Regulations—

"the Act" means the Neighbourhood Planning Act 2017;

"compulsory purchase order" has the same meaning as in section 2(1) of the Acquisition of Land Act 1981(**3**);

"special enactment" means—

(a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act; or

(b) a provision which—

(i) is contained in an Act other than a local or private Act, and

(ii) authorises the compulsory purchase of land specifically identified in that Act.

Provisions coming into force on 22nd September 2017

3. The following provisions of the Act come into force on 22nd September 2017—

(**1**) 2017 c.20.
(**2**) 2015 c.20.
(**3**) 1981 c.67.

(a) section 26(8)(b) (consequential amendments to section 172(6) of the Housing and Planning Act 2016(**4**));

(b) section 32 (No-scheme principle);

(c) section 33 (Repeal of Part 4 of the Land Compensation Act 1961(**5**));

(d) section 34 (Time limit for confirmation notices);

(e) section 35 (Compensation for disturbance);

(f) section 36 (Greater London Authority, Mayoral Development Corporations and Transport for London: joint acquisition of land).

Transitional provisions: no-scheme principle and compensation for disturbance

4.—(1) The amendments made by section 32 and section 35 of the Act only apply in relation to a compulsory purchase of land which is authorised on or after 22nd September 2017.

(2) For the purposes of this regulation, a compulsory purchase of land is authorised—

(a) by a compulsory purchase order, on the day on which the order is—

(i) confirmed by a Minister, the Welsh Ministers or another authority; or

(ii) made by a Minister or the Welsh Ministers;

(b) by an order under section 1 or 3 of the Transport and Works Act 1992(**6**), on the day on which the Secretary of State or the Welsh Ministers determine under section 13(1) of that Act to make the order;

(c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(**7**), on the day on which the order is made by a Minister, the Welsh Ministers or a person who is designated in an order made under section 42A(**8**) of that Act;

(d) by any other order, on the day on which the order is made by a Minister or the Welsh Ministers; or

(e) by a special enactment, on the day on which the special enactment is enacted.

Transitory provision: amendment to section 172(6) of the Housing and Planning Act 2016

5. Until section 26(8)(a) of the Act comes into force, the definition of "acquiring authority" in section 172(6)(a) of the Housing and Planning Act 2016 as substituted by section 26(8)(b) of the Act is to be read as if the words "or to take temporary possession of it" were omitted.

Amendment of provisions expressed by reference to commencement

6. In section 32(3) of the Act, in the new section 6E(2)(b) to be inserted into the Land Compensation Act 1961, for "the day on which section 32 of the Neighbourhood Planning Act 2017 (which inserted this section) came into force" substitute "22nd September 2017".

7. In section 32(3) of the Act, in the new section 6E(2)(c) to be inserted into the Land Compensation Act 1961, for "the day on which that section came into force" substitute "22nd September 2017".

(**4**) 2016 c.22.
(**5**) 1961 c.33.
(**6**) 1992 c.42.
(**7**) 1964 c.40.
(**8**) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c.23).